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Houlihan's Restaurants, Inc.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

TED PAULY, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

HOULIHAN'S RESTAURANTS, INC.,

Defendant.

**DOCUMENT ELECTRONICALLY
FILED**

Civil Action No. 1:12-cv-25-JBS-JS

**DECLARATION OF
CYNTHIA PARRES IN SUPPORT OF
DEFENDANT'S MOTION TO
DISMISS THE AMENDED
COMPLAINT**

I, **CYNTHIA PARRES**, being of full age, hereby declare as follows:

1. I am Vice President and Secretary for Defendant Houlihan's Restaurants, Inc. ("Houlihan's"). I make this Declaration in support of Houlihan's motion to dismiss the amended complaint. The following statements are based on my personal knowledge and review of Houlihan's books and records.

2. Houlihan's is a Delaware corporation with its principal place of business located at 8700 State Line Road, in Leawood, Kansas. Houlihan's is a restaurant operator and franchisor that has developed and continues to develop a distinctive "system" of trademarks, trade dress, and proprietary methods related to the operation of full service casual restaurants.

3. As a franchisor, Houlihan's licenses its "system" to franchisees so that the franchisees may establish and operate a "Houlihan's Restaurant."

4. Houlihan's does not own or operate the Houlihan's Restaurant located in Brick, New Jersey (the "Brick Houlihan's").

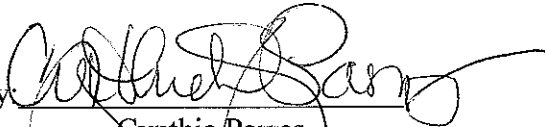
5. Neither Houlihan's nor any of its affiliates, subsidiaries, parents, officers, or directors has any direct or indirect ownership interest in the Brick Houlihan's.

6. The Brick Houlihan's is owned and operated by a franchisee.

7. While the Houlihan's system requires that a Houlihan's Restaurant have menus that meet certain standards, Houlihan's does not control the prices for the menu items at the individual Houlihan's Restaurants. Nor does Houlihan's control whether its franchisees list prices for food or drink items on the menus.

8. Houlihan's did not sell, offer to sell, or control the sale of the beer and mixed drink beverages that the Plaintiff allegedly consumed at the Brick Houlihan's in this matter. To be clear, Houlihan's does not sell, offer to sell, or control the sale of any beverages consumed by any patron of the Brick Houlihan's.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on April 9th, 2012.

By 
Cynthia Parres